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Banksy's Subversive Gift: A Socio-Moral Test Case for the Safeguarding of Street Art

Abstract

This paper discusses a socio-moral precedent for the safeguarding of street art. This incident represents a novel recognition of the wishes of the community and the intentions of the artist in determining the fate of local street art, and a rare acknowledgement of the moral rights of street artists to determine the first distribution of their work, over the rights of property owners, who are otherwise able to claim the tangible artworks on their walls as individual, rather than community, property. The case discussed is that of Banksy's (2014) *Mobile Lovers* which, by its site-specific placement, thwarted the possibility of acquisitive removal for private auction. Despite the high profile dispute over who should be considered the proper beneficiary of the work, it was agreed that it should be considered a 'gift' to the community and should thus be protected. The removal of the work for safeguarding in the Bristol Museum afforded a seemingly neutral zone of protection for *Mobile Lovers* during this period of conflict. However, the museum was also represented as an agent of the city, and as a democratic space, where visitors, as "the people", were encouraged to record their own preferences for the future of the work. Rancière's conceptualization of democracy as a disruptive process, rather than an established consensual state of affairs, is employed to challenge an understanding of the museum's strategies as self-evidently democratic. Ultimately, the perception of street art in socio-moral terms as a 'gift' enabled an orientation to, and subversion of, the legal strictures currently prohibiting the recognition of the moral rights of street artists.

Do what you feel is right with the piece (Banksy, in *Metro*, 2014: n.p.)

On the 14th of April 2014, two works of street art apparently produced by Banksy appeared overnight in the Southwest of England, at sites 43 miles apart. They each set a new precedent for the preservation, safeguarding and ownership of street art. Through their site-specific placement, these pieces subverted the recent trend for the acquisitive removal of 'valuable' street art from its in-situ location for private auction – without the consent of either the artist or the community in which the street art is located (Bengsten, 2014). The tension at the basis of this lawful yet morally problematic practice is grounded in the legal recognition of the rights of property owners to the tangible works on their walls over the moral rights of street artists to control the first distribution of their work, and the rights of communities to assert ownership over works they regard as public art intended for their enjoyment. This tension is compounded by the fact that the creation of unauthorized public works technically constitutes criminal damage, and thus street artists may not publicly acknowledge authorship for fear of prosecution (Young, 2014).

Banksy's *Spy Booth* (2014), located on the exterior wall of a Grade II listed property in Cheltenham, represents the first case of a work of street art being extended heritage protection to prevent the work's removal for private profit and sale on the art market, and to enable the maintenance of the work in-situ for the benefit of the community to whom it had been 'gifted' (for more on this case, see MacDowall, Merrill, and Hansen, forthcoming). However, in the case of Banksy's *Mobile Lovers* (2014), located on an exterior door of a youth club in Bristol, the precedent set was

not for the protection of work in-situ. Indeed, this philanthropically positioned work appears designed to be readily removed for resale, but not for personal financial gain. *Mobile Lovers* thus reworks the now established notion of street art as a 'gift' to the community, in that it appears to have been produced as a donation – or 'gift-in-kind' – in response to a call for financial help from this endangered community service. Although these works are geographically separate, they are interlinked through both their temporal contiguity, their interwoven signification, and via the parallel precedents for the recognition and protection of street art that they established. Despite the clear significance of these works considered in tandem, the primary focus of this paper is on the geographical and institutional trajectory of Banksy's *Mobile Lovers*, and in particular, the role taken by the Bristol Museum in safeguarding this work during the high profile media dispute regarding its ownership and intended fate.

As Dickens (2009) has noted, Banksy's work has had a significant and ongoing influence in provoking community debate on the value (and commodification) of street art. His uncommissioned street-based work has been at the forefront of street art's challenge to existing aesthetic, legal, and heritage frameworks, and has provided the conditions of possibility for key shifts in socio-moral urban codes (Hansen, 2015). Here, my approach to the socio-moral follows Rancière's focus on "instance[s] of normativity that enable one to judge the validity of practices and discourses operating in particular spheres of judgment and action" (Rancière, 2007: 27). Further, I adopt a pragmatic, ethnomethodological orientation in my attention to the activities of the parties, and the trajectory of the work, in just this particular case – rather than a more abstract approach to the creation and

subversion of socio-moral norms such as that adopted by socio-cognitive scholars (e.g., Keller and Edelstein, 1991). This ethnomethodological approach “require[s] bracketing off the category ‘morality’ in its philosophical sense, in favour of studying the range of mundane practices in which people judge everyday actions in relation to what people should or should not do” (Stokoe and Edwards, 2012: 167).

Although at first blush these approaches may seem at epistemological odds, an ethnomethodological orientation is not entirely incongruent with the mode of analysis followed by Rancière. Rockhill (2016) asserts that much of Rancière’s work is focused at just this level of practical mundane detail, in that he “pushed forward a particular type of... analysis. This consists, among other things, in inspecting concrete practices and how they operate instead of assuming that there must be some form of general governing logic or universal internal order behind them.” Tanke (2011: 3) notes further that Rancière tends to “frame his analysis as being verifiable intersubjectively” – also a key tenet of an ethnomethodological approach – prior to closely evaluating these observations in terms of the version of the possible they define.

Accordingly, my approach to the socio-moral here assumes that: the socio-moral order is a local, pragmatically accomplished, always unfolding, phenomenon (Stokoe & Edwards, 2012); that socio-moral norms are most clearly revealed when their limits are transgressed (Garfinkel, 1991); that individuals, communities, and other agents form themselves as “ethical subjects” – and are accountable as such – with reference to the mutually intelligible elements of such norms; that emergent socio-moral norms may be at odds with existing legal rules, and may contribute to

the conditions of possibility for eventual legislative change (Mattless, 1994; McAuliffe, 2012). Thus, it may be fruitful to study the socio-moral precedents set by particular cases, such as that of *Mobile Lovers*, which challenge, transgress, or otherwise disrupt established legal boundaries and other aspects of our commonsensical 'division of the sensible' (Rancière, 2004).

A photograph of *Mobile Lovers* first appeared on Banksy's website in the early hours of Monday the 14th of April 2014, without any details as to its geographic location (Banksy, 2014). The work thus existed first as an intangible copy, prior to the 'discovery' of the tangible original. Indeed, a defining feature of contemporary street art is the role of the internet as a virtual "field of action." (Ganz, 2004: p. 21) Many works of street art may now only be viewed as photographs uploaded to social media and online forums, as these ephemeral works are commonly subject to removal by authorities or being written over by others and thus may have only a very brief tangible existence in the material world. This strategy – of releasing an image of a new work without confirming its geographic location – has long been a feature of Banksy's practice. For Banksy's fans, this appears to encourage a playful engagement with both material and virtual spaces in finding a work thus far invisible to the general public.

Street art fans and collectors are longstanding key cultural intermediaries in the relationship between communities, street art and commerce (Dickens, 2010). In 2005, Banksy's *Peckham Rock* remained undetected for three days on an interior wall of the British Museum, before being located by Banksy's followers. Neither the museum staff nor its visitors had noticed anything out of place prior to them being informed of the work's existence (Dickens, 2008). Banksy's photograph of *Mobile Lovers* similarly sparked an

immediate treasure hunt amongst his followers, who used applications such as Google Streetview to narrow down possible locations until the correct geographical site was identified several hours later (The Telegraph, 2014. See also Figure 1). However, this location was not initially released to the wider public, as the finders noted that the work seemed insecurely placed and highly vulnerable to removal.

Indeed, *Mobile Lovers* remained in-situ for less than 24 hours before the youth club removed the plywood door it was painted on and placed it inside the building. It was replaced with a handwritten notice advising that the piece had been removed to “prevent any vandalism [sic] or damage being done.” (BBC, 2014: n.p.) The note invited the public to view the work, but in exchange requested a small donation.

Mobile Lovers was displayed inside the youth club, with some press reports implying an impropriety in its display in describing its positioning as being located “next to the toilets” whilst other reports noted that the club had been accused of “kidnapping” the work and holding it “to ransom.” (The Independent, 2014: n.p. See also Figure 2) The manager of the club, Dennis Stinchcombe, declared that *Mobile Lovers* was intended as a gift to the club, and that he intended to sell it to raise funds.

However, The City of Bristol contested the club’s actions in removing the work as it was originally positioned on council property. The Mayor, George Ferguson, asserted that *Mobile Lovers* was clearly intended as a gift for the city that, as such, should remain in the city (Bristol Post, 2014). That the work as intended as a gift was not, however, contested, and indeed as Young points out, this is now how street art is commonly received by communities – in contrast to less aesthetically

palatable graffiti, which tends to be regarded as something which diminishes, rather than enhances, the value and social capital of a community (Young, 2014).

The parties' consensus that *Mobile Lovers* was intended as a 'gift' reflects an increasingly established socio-moral urban norm regarding the value of street art to communities, which in turn sets parameters for the actions perceived as being appropriate responses to its creation/discovery, although it should be noted that this is an historically recent understanding that is still contested.¹ As a 'gift' *Mobile Lovers* was accorded with a self-evident socio-moral purpose – which locates it both within and outwith the aesthetic regime that, according to Rancière, characterizes what we consider as art today. He argues that the social purpose of art from the aesthetic regime is its very purposelessness (Highmore, 2011); however he also notes that a defining element of this regime is its incorporation of remnants of earlier regimes, which may “co-exist and intermingle” (Rancière, 2004: 50). At the level of both production and reception, *Mobile Lovers* provides a link to an earlier, ethical regime of images evaluated in terms of their utility to society – as perhaps does street art itself, the liminal artistic genre for which Banksy is currently the most prominent figurehead.

On the 17th of April, on the instructions of the Mayor, the Bristol police removed *Mobile Lovers* from the youth club. The work was transported to the Bristol Museum for safeguarding during the dispute. The apparently neutral zone of protection afforded by the museum draws on the historical role of museums as liminal spaces that preserve and protect cultural artifacts via removal from their

¹ See Hansen (2015) for a more detailed discussion of community attitudes in the media towards street art and its removal.

original geographic location to a space separate from both the socio-moral coordinates of everyday existence and from the usual parameters of temporal experience (Duncan, 1995). More than 10,000 visitors came to view the work on the opening weekend. The Bristol Museum's website reported that:

The... city offered to display [the work] securely at the Bristol Museum & Art Gallery, while all sides sought clarity over the artist's intentions for the work (Bristol Museum & Art Gallery, 2014: n.p.).

The dispute over the work was thus couched in terms of elucidating the artist's intentions. Notably this differs from more usual discussions of authorial intentions, which tend to be construed within the framework of the artist's aims in provoking a particular aesthetic response, or conveying some aspect of their identity or history through their work (Pollock, 1980). Indeed, the (intended) signification of the work does not feature in any discussions at the time – it would appear that *Mobile Lovers* was almost immediately objectified as “a Banksy” – or as a work of high economic and social value by a recognized artist. The dispute was thus focused on the parties' divergent claims regarding Banksy's intentions for the ownership and final destination of *Mobile Lovers* – or who should benefit from this gift. This debate was intensified by the geographic location of the work, in Banksy's hometown of Bristol. Each party claimed an established connection with Banksy's identity and life-history, with the manager of the youth club asserting that as a young man Banksy had been a member, and with the City and the Bristol Museum reminding the public of their more recent collaboration with Banksy for the ‘Banksy vs. Bristol Museum’ show in 2009, which attracted over 300,000 visitors and raised significant revenue (Dickens, 2009).

Mobile Lovers was displayed next to the information desk on the ground floor foyer of the museum (see Figure 3). The work was positioned in a high traffic location that visitors have to pass through upon entry. The placement of the work drew on the panoptic internal design of the museum, which ensured that it was also visible from the upper balconies of the other floors, and from the staircases connecting the floors. *Mobile Lovers* was initially hung above a portable radiator, as the wood of the external door was damp and in need of conservation. Top down illumination was used to pick up on the glow of the white paint in the piece. This represents very different lighting conditions to the work in-situ, and to the lighting of the photograph displayed by Banksy on his website (See Figure 1). Indeed, the nighttime lighting conditions of Banksy's photograph of *Mobile Lovers* emphasizes the clandestine nature of the encounter pictured between the couple, only one of whom wears a wedding ring. The couple are illuminated by the light from their mobile phones, to which, despite their embrace, their attention is directed. The guidance notes provided by the museum encouraged visitors to photograph the work, and indeed the 'selfies' taken by visitors to the museum and posted on social media appear to mimic the pose of the couple, in incorporating viewers' mobile phones as actors within the frame. This is a departure from the mundane practice of visitor photography, where mobile phones are usually involved in image capture, but not ordinarily featured in the resultant images. This aspect of viewer engagement highlights the ubiquity and invisibility of mobile devices in our everyday lives – a point highly resonant with the work's apparent commentary on our apparent lack of concern regarding the sanctity of our personal communications.

Mobile Lovers was roped off with a low barrier that did not obscure the work but kept viewers at a 'safe' distance, prohibiting any physical engagement with the work. To the right of *Mobile Lovers*, a notice was placed on a low stand. This described the brief history of the work, the current uncertainty over its future and the financial predicament of the youth club. Visitors were encouraged to make a cash donation for the benefit of the club, and also to make suggestions for the future of the work. This notice departs from the normative format of museum information plaques in that it is voiced by a particular institutional author, the Mayor, and is addressed to the constituents of the City, the "people" (as opposed to anonymous curators addressing unnamed visitors). This direct address invokes a sense of democracy and invites viewers' active participation and engagement with the fate of the work. Indeed, it positions the people of Bristol as having the right to decide on the future of *Mobile Lovers*. The Museum is designated here as an agent of the City, and as seeking simply to represent the people of Bristol (and thus not as making an illegitimate claim to ownership of the work). The notice also references Banksy's *Paint Pot Angel* (2009) retained from the Banksy vs Bristol Museum show in 2009, which it displayed in the ground floor foyer at a short distance from *Mobile Lovers*. Displaying this associated work enhanced the museum's claim to ownership of, or at least to being the proper institutional location for, Banksy's *Mobile Lovers*.

The museum here simultaneously drew on a series of overlapping yet still evident historical discourses informing its role and relationship to the public. In receiving the work for 'safekeeping' during the dispute, it invoked much older ideas of the museum as a sanctuary, refuge, or safe deposit box for valuable cultural objects. Prior to the early 1900s, this role was undertaken on behalf of an elite and already

educated audience capable of appreciating the worth of these objects (Colwell, 2015). However, in its communications directed at “the people” of Bristol, the museum invoked 20th century ideas of the museum as a democratic agent for the common good and for public education, and as an inclusive institution for everyday citizens (Barrett 2012). Further, the museum’s promotion and display of *Mobile Lovers* as a high profile visitor attraction referenced the most historically recent discourse on its late modern role as a ‘cultural supermarket’, which positions viewers as neo-liberal consumers with the right to exert their individual preference over the objects on display in the museum (van Aalst & Boogaarts, 2002).

The historical discourses invoked by the museum appear self-evidently democratic in that they position the museum (and the city) as representative of, and responsive to, “the will of the people”. This democratic rhetoric is defensively designed in that it is difficult to contest without appearing to also disregard the wishes of the community on behalf of whom it claimed to be acting. However, this notion of democracy – as an established form of representation, beyond question – has been recently challenged by Rancière, who argues instead that democracy is evident in the disruptive process that unsettle the very forms of consensus that set the limits for our involvement in democratic activities. According to Rancière (2004) the democratic acts we engage in, or are excluded from (e.g., registering to vote, voting, enacting legislation, law enforcement – or in this case, placing solicited suggestions in a box) reflect the limits of the parameters of our possible participation in public life.

On the 28th of April, in a further apparently democratic strategy, the Bristol Post conducted a poll of Bristol residents to ascertain the people's wishes for the future of *Mobile Lovers*. Residents were evenly divided, with 49% supporting the work going to the Broad Plains Youth Club, and 51% preferring that the work remain in Bristol Museum as the property of the City (Bristol Post, 2014). While both parties had initially supported the idea of being guided by such a poll, given the almost equal support each received, both the Mayor and the youth club then appealed to Banksy, via online, print and television media, to "send some kind of sign" as to his intentions for the future of the work (Bristol Post , 2014: n.p.). Perhaps as a mark of the esteem and mystique accorded to Banksy – as an infamous yet anonymous artist whose enigmatic communications are often inseparable from his work – the form taken by the parties' mutual plea for arbitration and guidance ("to send some kind of sign") is more commonly employed in our appeals to paranormal entities, rather than actual persons.

Accordingly, the week after the inconclusive poll and plea for guidance, a letter was received by both the Mayor and by the manager of the youth club. The letter was signed with Banksy's distinctive tag. It authenticated *Mobile Lovers* and indicated that Mr Stinchcombe, as the intended beneficiary, should "do what you feel is right with the piece" bestowing him with the right to decide on the fate of the work by engaging in what he considered to be an accountably moral course of action (Metro, 2014: n.p. See also Figure 4). On receipt of the letter, which was also published in the Bristol Post, the Mayor publically acceded to Banksy's wishes as to the intended beneficiary of his work.

The Mayor's concession represents an important precedent, as this was in essence a socio-moral form of recognition that has yet to be tested by the courts. Street artists occupy a unique position with regard to their ability to assert their rights to ownership of their work. The ownership of tangible artworks is usually determined by whoever owns the canvas or material the work appears on (Bently and Sherman, 2009: p. 311). In the case of street art and graffiti however, work appears not on canvas originally owned by the artist, but on the walls of already owned private and public properties without the consent of the property owner. Thus, the tangible work legally belongs to the wall owner, even though the copyright and intellectual property rights to the work remain vested with the artist (Verrell, 2014). Furthermore, the act of creating such work constitutes criminal damage, which, while it does not preclude the recognition of artists' rights, may inhibit street artists from coming forward in an attempt to have their rights recognised, for fear of prosecution (Young, 2014). Banksy's right to claim ownership of his own work does not then override the rights of the owners of the tangible work on the wall (in this case, the City of Bristol) to remove this unauthorized work. Consequently, despite Banky's public letter naming the youth club as the intended recipient of *Mobile Lovers*, he did not legally own the tangible work, thus it was not a gift he could lawfully give.

Were Banksy to waive his anonymity and attend a case hearing, it is possible that his moral rights to paternity (the right to be identified as the author of a work) and integrity (the right to object to derogatory treatment of a work) might be recognised due to the high economic and cultural value of the tangible artwork (Bently and Sherman, 2009). Ordinarily, copyright gives artists the right to control

the first distribution of their work to the public, but in the case of illegally painted street art, as no copies have been sold, the work has not legally been distributed. Furthermore, given the criminal act inherent to the creation of unauthorized public art, it is possible that copyright might even be denied to street artists, as under Section 171(3) of the Copyright, Designs and Patents Act 1988 this could be argued to constitute “a work created in immoral circumstances.” Thus the illegality of the creation of street art, notwithstanding its potential social and economic value, undermines street artists’ ability to claim their moral rights. The City of Bristol’s recognition of Banksy’s right to determine the ownership of his ‘gifted’ work, despite their legal entitlement as property owners to disregard Banksy’s wishes, thus sets a socio-moral, if not legal, precedent in the recognition of the moral rights of street artists. The consensus that *Mobile Lovers* was a ‘gift’ undoubtedly informed this precedent, as even when in dispute over the fate of the work, the parties oriented to the actions appropriate to this form of socio-moral practice in preference to the course of action provided by the law. Understanding *Mobile Lovers* as a ‘gift’ enabled the parties to present themselves as accountable “ethical subjects” with reference to an existing recognizable set of socio-moral practices, rights and obligations around gift giving and receipt.

The City’s socio-moral recognition of the rightful ownership of *Mobile Lovers* in turn represents a novel yet familiar circumstance for modern museums. Art repatriation, or the process of returning contested cultural property or art to its former owners, or geographic community of origin, is a regular source of moral and practical tension for the contemporary museum, as the act of doing so is likely to

infringe the rights of at least one section of the community (Colwell, 2015).

Repatriation encourages parties to:

move beyond the legality of the current ownership and consider ethical issues... or what is best for... claimants... current custodians, and society at large (Corsane, 2006: p. 7).

However, ordinarily this process involves the negotiated return of ancient or looted objects, and does not sensibly apply to contemporary art that has not been received as an historical product of acquisitive colonialism or war. *Mobile Lovers* thus presents a special case of the modern repatriation of contemporary art to a rightful owner – albeit en route to the art market.

During the dispute over the ownership of *Mobile Lovers*, the work remained on display in the Bristol Museum. However, on the 29th of May 2014, after the Mayor's public acceptance of Banksy's intentions for the work, Mr Stinchcombe removed *Mobile Lovers* from display at the museum and transported it to the outskirts of the city, where an episode of the BBC's *Antiques Roadshow* was being filmed.² In apparent recognition of his rights as the owner of the work, the museum did not prevent him from removing it from formal display at short notice. At the time, the Bristol Museum (2014b: n.p.) tweeted a public apology for the temporary absence of the piece, and pointed to the availability of other potential attractions of interest to visitors in lieu of the presence of *Mobile Lovers*:

After a short visit to the Antiques Roadshow at Ashton Court, Banksy's
Mobile Lovers is safely back at the museum... sorry about that - it all

² The Antiques Roadshow is a weekly British television show with a national viewership of 8 million.

happened a bit suddenly. Hope you enjoyed #EnglishMagic and #Turner exhibitions though.

Despite featuring on *Antiques Roadshow*, the work was at this point less than six weeks old. This irregular and informal route for valuation departs from the formalized closed systems of the commercial art market. Mr Stinchcombe's strategy in taking *Mobile Lovers* for independent valuation via a popular television show thus represents a disruptively democratic approach to circumventing a specialized community of practice that he apparently had scant knowledge of, and little power nor meaningful voice within:

I just took it down to get an expert opinion. I'm not an art dealer and I've got no idea what I am doing (Daily Mail, 2014: n.p.).

This strategy is democratic in Rancière's (2004) sense, in that this highly irregular action created a rupture in the division of the sensible, or our ordinary perceptions of what is possible, and who may speak and be heard. For Rancière, democracy does not refer to an established state of affairs, but conversely to particular challenges or disruptions to the status quo. It is a process that can only be found in the particular, fleeting, and often ultimately unsuccessful disruptive activities that temporarily construct a form of democratizing dissensus, or a gap in the sensible, within the social order.

The conditions of possibility for this otherwise unauthorized act are grounded in the City's novel recognition of Banksy's moral (rather than legal) right to determine the first distribution of the piece. Despite having scant legal rights to make a legitimate demand, the youth club were able to claim rightful ownership of the

work. In this sense it may be argued that *Mobile Lovers* was political art. Not in the romantic sense, as “art that establishes a utopian culture in which all are equal” (Lampert, 2016: 15) but rather as art that, however momentarily, operated to democratize an otherwise apparently fixed and inflexible state of affairs, with set legal and conventional parameters for action.

On the 24th of August it was announced that *Mobile Lovers* had been sold for £403,000 – a sum remarkably close to the valuation given at the *Antiques Roadshow*. A small art dealership with a focus on urban contemporary art and 20 years experience working directly with street artists was awarded the bid to sell the work over more established auction houses. Notably, the buyer of the piece was not described as a “private collector”, but rather in socio-moral terms as a “philanthropist” concerned with “investing in young people’s institutions.” (McCarthy, 2014: n.p.) The proceeds were described as a “little nest egg... to support [the youth club]... for a few years.” (McCarthy, 2014: n.p.) The official handover of *Mobile Lovers* took place at the Bristol Museum on the 27th of August. All proceeds from the sale were awarded to the Broad Plains Youth Club and affiliated youth programs in the City of Bristol, in line with Banksy’s stated intentions for the work.

The original site-specific placement of *Mobile Lovers* enabled its rapid removal by the occupants of the site, which thwarted any outside attempt at acquisitive removal for private auction. Notwithstanding the dispute over who should be considered the proper beneficiary of the work, neither party contested that the socio-moral fact that it should be considered a ‘gift’ to the community and should as

such be protected. The subsequent placement of *Mobile Lovers* for safeguarding in the Bristol Museum during the quarrel over its intended ownership provided an apparently neutral zone of protection for the work. Although the museum was represented as an agent of the city, and as a democratic space, where visitors, as “the people”, were encouraged to record their preferences for the future of the work, the self-evidently democratic strategies of the museum were limited in only offering fixed parameters of possible political action. In contrast, the disruptive and improper removal of this piece from the museum, without formal authorization – save a letter apparently signed with Banksy’s tag – is democratic in Rancière’s sense, in that this extraordinary unprecedented action unsettled the status quo.

The priority given by both parties to the wishes of the community and to the intentions of the artist in determining the proper owner of the work is highly unusual, and represents a socio-moral precedent for the recognition of the rights of street artists to determine the first distribution of their work, over the rights of property owners, who are currently able to lawfully claim the tangible artworks on their walls as individual, rather than community, property. *Mobile Lovers* thus temporarily subverted the formal mechanisms of the acquisitive urban art market, even if it was ultimately incorporated into the status quo. Nonetheless, the socio-moral precedent set during this case represents a temporary gap in the division of the sensible (Rancière, 2004) that could provide the conditions of possibility for alternative forms of possible action for street artists, who have had, until now, few rights to speak and be heard in the determination of the fate of their unauthorized work. Paradoxically, perhaps it is the very perception of street art in socio-moral terms, as a ‘gift’, rather than an art object proper, that may enable the subversion of

the legal strictures currently prohibiting the recognition of the moral rights of street artists. It remains to be seen whether this socio-moral precedent will, in turn, provide the conditions of possibility for legislative change that might better recognize both the wishes of the community and the moral rights of street artists.

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Figures



Figure 1. Banksy, *Mobile Lovers* 2014.

Main image Google Streetview, inset photograph of *Mobile Lovers* by Banksy (www.banksy.com).

Exterior of Broad Plains Youth Club, Clement Street, Bristol, England.

<http://www.telegraph.co.uk/culture/banksy/.jpg> (accessed 15 May 2016)



Figure 2. Banksy, *Mobile Lovers* 2014.
Interior of Broad Plains Youth Club, Clement Street, Bristol, England.
<https://www.youtube.com/watch?v=846D5UipfIs> (accessed 15 May 2016)



Figure 3. Banksy, *Mobile Lovers* 2014.
Bristol Museum & Art Gallery. Bristol, England.
<http://www.bristol-culture.com/2014/04/18/banksy-vs-bristol-museum-buggy-park/>
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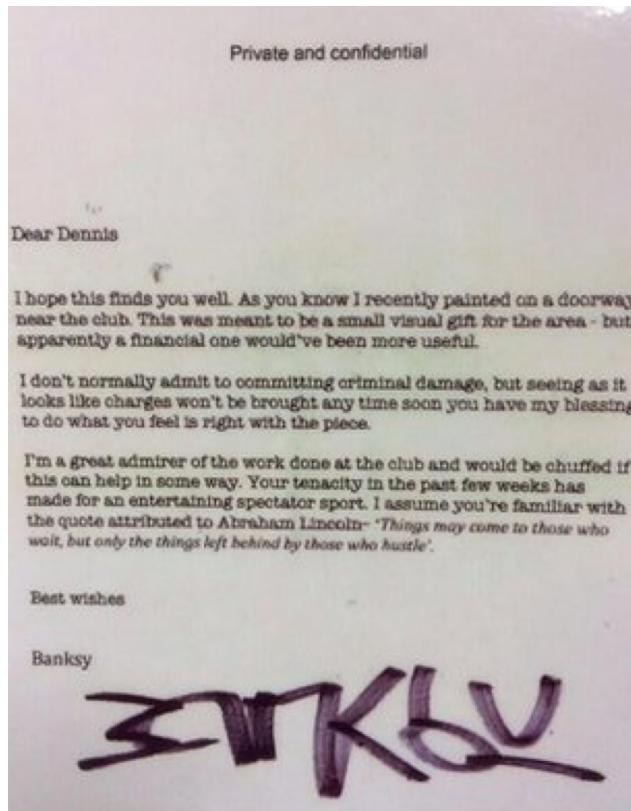


Figure 4. Letter of authentication confirming the intended beneficiary of Mobile Lovers (2014)
Banksy 6th May, 2014.
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